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The Opinion

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THE OPINION



Volume 30, No. 10

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

February 28, 1990

JAG Corps Interviews Students At Center For Tomorrow

Last Monday, February 12, the army branch of the Judge Advocate General's Corps arranged to conduct interviews with a select group of UB Law School students for possible employment in their summer internship programs. The interviews took place at UB's Center For Tomorrow on the Amherst Campus, and were arranged through the law school's Career Development Office under the supervision of Audrey Kosceliniak, CDO Director. In response to student interest, the JAG Corps contacted the Career Development Office the first week in February to request that they be allowed to come on campus and set up an interview schedule.

by Andrea Sammarco
Staff Writer

Breaking with past CDO policy, Law School Dean David Filvaroff and Kosceliniak opted to allow only those students who contacted the Career Development

Office within the two weeks prior to JAG's arrival to interview with the group. In addition, the presence of representatives of the army's judicial branch was not publicized in the CDO's weekly newsletter, or in *The Opinion*. This policy change was described by Dean Filvaroff as an attempt to keep the JAG Corps recruitment visit as "low-key as possible."

Speculation by the National Lawyer's Guild and other groups is that the CDO policy change was motivated by an attempt to avoid the controversy and confrontations generated by JAG's stated policy of discrimination on the basis of sexual orientation, age or physical disability. The administration has denied harboring such motives, claiming instead that their attempt was to avoid excessive promotion of overtly discriminatory employers. However, in response to student outrage, the law school administration has agreed to forego the implementation of such practices in future CDO dealings with JAG and similar employers.

In the fall of 1988, the term "sexual orientation" was added to the faculty statement against discrimination, in compliance with the 1987 amendment of Governor Cuomo's Executive Order 28. In doing so, the Law School effectively prevented groups such as the JAG Corps and the FBI from using the Career Development Office to recruit students at UB. University President Steven Sample moved at the end of the spring semester of '89 to rescind the policy as an instance of the Law School overstepping its authority. This was the first time in 14 years that Sample had taken an active step in determining law school policy on employment discrimination. The law school's acceptance of JAG on campus was cast into further doubt with the recent amendment of the Association of American Law School's bylaw prohibiting employment discrimination to include "sexual orientation."

As a result, undergraduate and law students organized to put pressure on Sample's office and to raise public awareness of the school's inertia in the face of JAG's discriminatory policies, as well as the rise in the incidence of homophobic literature and attacks, following Sample's action. The 'Anti-Discrimination Coalition's' most dramatic actions included a demonstration which blocked an attempt by the FBI to recruit on campus last April, and a march on Sample's office in October '89.

One law student who interviewed with the JAG on February 12th stated, "To be honest, I was glad that I wasn't denied an interview with a summer employer only because certain students are against their hiring policy. In fact, I hope that CDO will never act as a manipulative vehicle directed at reforming legislation."

The CDO's decision has been implied
(continued on page 7)



Desmond Moot Court Winners Sandra Wallace and Stacy Glover

Students Honored By City Council

The UB Moot Court Board is very proud to announce that the winners of the Third Annual Charles S. Desmond Memorial Moot Court Competition held in the fall semester of 1989, Ms. Sandra Wallace-Smith and Mr. Stacy Glover, were honored by the Buffalo City Common Council for their outstanding achievement as the first African-American team to win the intramural competition of the State University of New York at Buffalo School of Law.

by Jeff Markello
Photography Editor

On January 30, 1990, councilperson Arthur Amos awarded Sandra and Stacy with proclamations in the City Council's Chambers on the thirteenth floor of Buffalo City Hall. These third-year law students were officially recognized for their achievement and contribution to Buffalo's minority community and the city at large. Sandra and Stacy are to be congratulated for the honor that they have brought to themselves and the UB School of Law.

Additionally, the Moot Court Board is pleased to announce that this semester, it is sending seven teams of student advocates to other law schools to represent the UB Law School in national competitions. Among those teams are Kathleen Doyle and Nan Clingman, who recently

performed admirably in the Polsky Criminal Law Competition sponsored by the Temple University Law School. Other third-year board members Margaret Barton, Christina Berninger, and James Kennedy will participate in a Bio-ethics competition at Georgetown University. Also coming up in April is the Prince Invitational Evidence Competition at Brooklyn Law School where UB will be represented by Elpiniki Moumoulidis and Kimi Lynn King.

Third-year honorary members John Wenzke and Linda Salmon travel to the University of North Carolina at Chapel Hill Law School to compete in the Braxton Constitutional Law Competition. Also, honorary member Ginger Schroder is teaming up with associate member Kimberlianne Podlas for the Entertainment-communications Competition at Cardozo Law School.

Among other associate board members representing UB, Rachel Kane and Pierre St. Hillaire will compete in the Gabrielli Family Law Competition in Albany, and Brian Lauri joins James Sacco for the regional event of the National Appellate Advocacy Competition, also at Albany.

All the teams have submitted their briefs and are enthusiastically looking forward to the oral advocacy portions of their respective competitions. The UB Moot Court Board and law school community wishes them all the best of luck.

SBA To Hold Grade Policy Forum

The SBA is seeking broad student participation in the March 1 forum concerning the 'H/Q' grading system, in contemplation of submitting the issue to the student body in a referendum or a petition drive later this semester.

The current 'H/Q' grading system has been in effect since 1974, although a similar system was used from 1969-1973. The '69 system used an additional 'HD' grade which represented the highest possible grade at the school, "Honors with High Distinction." The 'H/D' designation was dropped in 1974.

by Gary B. Ketcham
Staff Writer

The current 'H/Q' grading system is explained in a legend which accompanies all official transcripts sent out by A&R (officially entitled, "Grade Key Explanation"). The legend, in part, reads as follows:

- H Honors — Superior work significantly better than the normal range of performance
- Q Qualified — Professionally qualified work within the normal range of performance
- D Marginal — Acceptable for academic credit but below the normal range of performance
- * Instructors may submit favorable evaluations of student performance. Written evaluations are especially encouraged when a letter grade will not adequately reflect relevant aspects of the student's performance.

At the bottom of the legend is a special note which reads, in part, "Our grading system was designed with the express intention of alleviating grade competition and has been highly successful."

The purpose of the forum is to discuss the pros and cons of the current 'H/Q' grading format, and to explore the plausible alternatives. Chief among those alternatives are the 'Traditional Grading System' and the 'Pass/Fail' system. Other issues likely to arise at the forum pertain to fundamental notions about 'competition' itself... Is all competition bad? What kinds of competition are constructive? What are destructive? Does the current grading system mitigate competition at all, as the notation proclaims? What hard evidence is there to support the claim that the current 'H/Q' grading system "has been highly successful" in "alleviating grade competition"? Is a special

grading system really necessary to bridge cut-throat competition? Is the "Q*" system really fair when many instructors do not acknowledge it or use it?

With the focus on the various grading systems, both current and plausible, any matter is an issue which is put at issue at the forum, and students and faculty are urged to share their insights and suggestions at this forum. Because of the extreme importance of this issue, which impacts on every student at the law school, the SBA strongly encourages the greatest level of participation possible. As stakeholders in this issue, students should take advantage of this opportunity to direct their own fate on an issue of fundamental importance to all of us.

A panel discussion will launch the forum into the issues, with one or more predesignated persons presenting the merits of each of the three leading alternatives for a grading system. This will be followed by open discussions from the floor. At this time people are invited to express their own views, ask questions of the panel members, present their own proposals, etc. The forum will have a moderator. Both faculty and students are invited to participate. Refreshments will be provided.

Anyone interested in presenting the merits of any of the three grading systems mentioned (or some other plausible alternative) as a panel member please contact Chris Reo, Jennifer Latham, Mark Hirshfeld or Gary Ketcham as soon as possible. The forum will be held Thursday, March 1 at 5:00 p.m. in O'Brian Hall, room 108.

HIGHLIGHTS

"Work A Day In The Public Interest" fund drive to kick off page 3

Alumni Convocation and Presentation of Jaeckle Award to be held March 10 . . . page 4

Finally . . . What to do with your old copy of *The Opinion* page 9



MPRE ETHICS EXAM

Friday, March 16, 1990
(Happy St. Patrick's Day!)

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The filing deadline for this exam is *February 16, 1990*. The exam fee is \$25.00. Late registration will be accepted until *March 7, 1990*, but the exam fee is increased to \$75.00. If you miss the *March MPRE*, the next *MPRE* exam is *Friday, August 7, 1990*.

For more information contact your Law School Pieper Rep or

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Kannar Appointed To State Commission On Ethics

Professor George Kannar has been appointed by Governor Mario Cuomo to serve on the Temporary State Commission on Local Government Ethics.

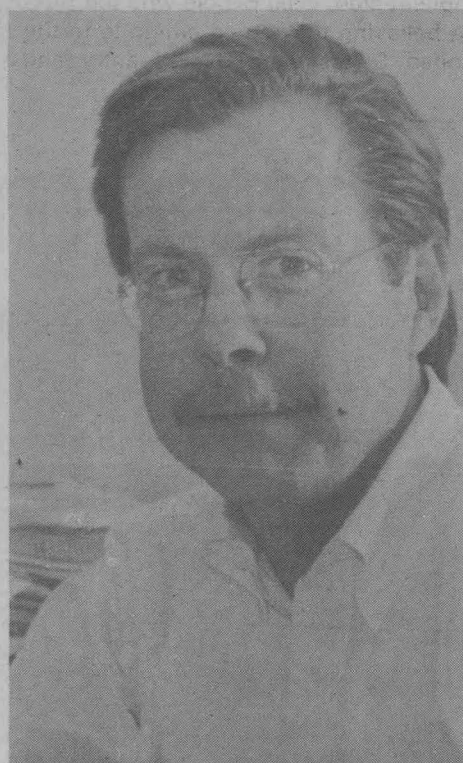
by Ted Baecher
Staff Writer

The Commission, which was formed pursuant to statute (General Municipal Law, Article 18, Section 813 [McKinney's 1990]), is designed to monitor the functioning of a New York law which requires financial disclosure by local government officials (General Municipal Law, Article 18, Sections 811-812 [McKinney's 1990]). The Commission will advise the governor and legislature regarding implementation of the law, its effectiveness, and whether the statute needs any change.

The financial disclosure law and the Commission were formed in response to a perception in the state capital that some sort of financial monitoring of local government officials was needed, especially in light of the recent Parking Violations Bureau scandal in New York City.

According to the statute, the Commission shall, among other responsibilities, "(r)evise completed financial disclosure statements ... (a)ct as a repository for completed financial disclosure forms ... (and) (c)onduct any investigation to carry

out the provisions (of the statute)", which includes the power to subpoena witnesses and to require the production of certain books and records.



George Kannar

ses and to require the production of certain books and records.

Although the Commission does have enforcement powers, it does not, said Kannar, "have a broad ranging mandate to root out corruption." At this time it "still remains to be seen whether enforcement focuses on accuracy of the financial statements or whether the financial disclosure forms have been filed at all."

Kannar said that allegations are already being received from around the state regarding various alleged ethical improprieties, and that the commission has received a number of inquiries as to what exactly the financial disclosure law entails. The Commission is now in the process of establishing policy as to how to deal with both these items.

The Commission is composed of nine members, five of whom are appointed by the governor, and one each by the two parties in the State Assembly and Senate. The members of the Commission receive no compensation, except for reasonable expenses incurred in the performances of their duties. Commission members serve for a term of four years.

Henry Miller, a private practitioner in Westchester County and former president of the State Bar Association, chairs the Committee. Among the Committee's other members are representatives of the business community, a retired state court of claims judge, and the head of District

Council 37 in New York City.

The Commission, according to Kannar, is still in the process of setting up a staff and establishing priorities. An initial focus of the Commission will be to inform local government officials of the provisions of the statute and to receive feedback from them regarding the various disclosure requirements. In addition, the Commission will act as a "channel through which any regulations or oversight monitoring operations are conducted".

Kannar said that the Commission has already heard criticism from its advisory body (which is also established by the same statute) that the financial disclosure required by the law is detailed and burdensome and may sweep too broadly. The advisory body is concerned that such disclosure will dissuade good people from becoming involved in local government, which is not generally highly compensated work. The advisory body is also concerned that the statute treads a lot upon a sense of civic duty and civic virtue and that the complexity of the disclosure forms may infringe upon privacy interests.

These types of concerns are important to the Commission and are the types of issues the Commission will think about and discuss over the next couple of months, Kannar said.

Alumni Convocation To Feature Presentation To Newhouse

A panel of legal experts from a variety of specialty areas will discuss "Marriage, Divorce, and Death: The Impact on Business and the Professions" at the 14th annual UB Law Alumni Convocation. The morning-long symposium will begin at 8:30 a.m. on Saturday, March 10, at the Center for Tomorrow on the UB North (Amherst) campus.

by Ilene Fleischmann
Executive Director
UB Law Alumni Association

At a luncheon at 12:15 p.m., immediately following the convocation, Wade J. Newhouse, professor of law, will receive the 1990 Jaeckle Award. Named for UB alumnus Edwin F. Jaeckle, Class of 1915, the award is the highest honor the Law School and the Law Alumni Association can bestow. It is given annually to an individual who has distinguished herself or himself, and has made significant contributions to the law school and the legal profession.

Past recipients include Hon. John T. Curtin, Manly Fleischmann and Hon. Michael F. Dillon.

A former dean of the UB Law School, Newhouse has been a faculty member since 1958. He has served as associate dean, director of the law library and director of the Edwin F. Jaeckle Center for State and Local Government.

The University of Michigan Law School graduate has written several books and published numerous articles and book re-

views in law journals.

He is a member of the Mediation and Fact Finding Panel and the Arbitration Panel of the New York State Public Employment Relations Board, the Labor Panel of the American Arbitration Association and the Labor Panel of the Federal Mediation and Conciliation Service.

In discussing a hypothetical case, the convocation will address the issues of marital property, business and estate planning and how New York compares to alternate systems.

Linda J. Nenni '83, and Thomas M. Ward, '66, serve as co-chairs of the convocation committee. Robert B. Moriarty, '68, of Moriarty & Condon, will present the hypothetical.

In addition, panelists and topics are: Joyce E. Funda, '83, of Funda & Munley, and Paul I. Birzon, of Birzon, Zakia, Stapell, Olena & Davis, and an adjunct professor of law, who will discuss "Basic Concepts of Marital Property."

Gayle L. Eagan, '85, of Jaeckle, Fleischmann & Mugel, Ann E. Evanko, '79, of Hurwitz & Fine, P.C., and George Zimmermann, '49, of Albrecht, Maguire, Heffern & Gregg, P.C., and an adjunct professor of law, will explore "Business and Estate Planning."

Kenneth F. Joyce, professor of law, and director of the N.Y. State Law Revision Commission, will examine "New York Compared to Alternate Systems."

In addition to Nenni, Ward, and the panelists, other convocation planning committee members include law profes-



Jaeckle Recipient Wade Newhouse

sor Dianne Avery, '83, Matthew J. Plunkett, '83, Tricia T. Semmelhack, '74, Paul J. Suozzi, '79, Hon. Robert E. Whelen, '70, Helen W. Zimmerman, '81 and Ilene R. Fleischmann.

The Law Alumni Association has invited all law students to attend the morning program free of charge. Students must sign up by March 5th in the alumni office — 320 O'Brian Hall — so that adequate written materials and breakfasts can be prepared.

Those students who want to stay for lunch and the presentation of the Jaeckle Award are also invited to sign up in the alumni office for a law firm "scholarship." Many area law firms buy tables, and often

have places available for law students.

For non-students, the fee is \$35 for 1989-90 UB Law Alumni Association members who have paid their annual dues and \$45 for all others. The fee includes program, Continental breakfast and lunch. Even if you cannot attend, please consider sponsoring a law student. Firm tables for eight are available for \$320.

Please make checks payable to the UB Law Alumni Association and mail to: UB Law School Alumni Office, 320 John Lord O'Brian Hall, Amherst Campus, Buffalo, NY 14260.

Questions? Call Ilene Fleischmann at the Law School at 636-2107.

Talk Given On The Plight Of The Working Black Women

Judy Scales-Trent and members of her Women of Color class welcomed Charlotte Rutherford, Esq. to speak on: "Black Women and Low Paying Jobs: Is Litigation the Answer?" This presentation was held on February 23, 1990.

by Sandra Williams
Staff Writer

Ms. Rutherford has been on staff at NAACP Legal Defense Fund organization since 1985. The Legal Defense Fund is a non-profit civil rights firm which was the legal arm of NAACP but is no longer a part of this unit. The organization attempts to enforce non-discriminative practices in housing, employment, education and capital punishment. As an Assistance Counsel and Director of Black Women's Employment Program, part of Ms. Rutherford's responsibility is to "craft strategies that are supposed to improve

the economics of working poor, especially black working women. Working women are defined as women who can't make enough money to raise themselves to the poverty line."

Ms. Rutherford stated that black women are affected both by sexism and racism. At a time of a severe limited employment market, these women seem to maintain the positions held during slavery; those of cooking, cleaning and washing. She further argues that the women's movement has failed to include issues that are important to low-income working women. Though there has been an attempt to move women up from the traditionally held positions, basic problems of child care, medical care and problems associated with low income households are not addressed.

"Civil rights efforts were not focused on these issues because they were not considered race related issues. Problems

of black women were not considered separate from problems of race generally." Charlotte also points out that women have improved in the type of positions they have held since the 1980s, however overall, black women still lagged behind other groups in their medium income. Ms. Rutherford proposed that litigation has been frequently used to alleviate the problem but this might not be the answer because there are always other ways to circumvent this process. Litigation mainly addresses one particular subject or concern, that is women wanting to move up the corporate ladder, and not necessarily the problem of those in low paying positions with the child care problem, medical insurance and low income concerns.

She further argues that "in order for litigation to be effective there must be a job available and a person bringing a lawsuit must have the qualifications to fill that

position." She pointed out some of the uses and changes of Title VII to the Civil Rights Act of 1964 to facilitate this problem of hiring and promotion. However, 3.7 million employers are not covered by Title VII because they need to have 15 or more employees before Title VII can apply to them. Also addressed were the proposed new changes to be incorporated into the Civil Rights Act of 1990. The 1990 Act proposed in Congress will address the issue of the seniority system that white males have faced and the statute of limitation for women in filing discrimination complaints. Ms. Rutherford proposes legislation in opposition to litigation in addressing the concerns of child care and medical insurance in addition to other low income concerns. Further strategies she would like implemented would be (1) the need for child care, not just custodial but educationally enriched care; (2) not just tax credits but a subsidy that is continu-

(continued on page 8)

Lecture Given On The Problems of Immigration To The U.S.

George Gurevich told of the roadblocks he had encountered in trying to help his father, 69-year-old David Gurevich, get from Russia into the United States. Michael Berger, a Buffalo immigration attorney, spoke of the legal case in which he appealed a decision by the U.S. Immigration and Naturalization Service to deny the elder Gurevich's application. These were among the topics presented in a lecture, titled "Topics in Immigration Law: Problems of Entering the U.S. — Refugees and Asylum," held Tuesday, February 20, in O'Brian Hall.

by Erin Wolfe

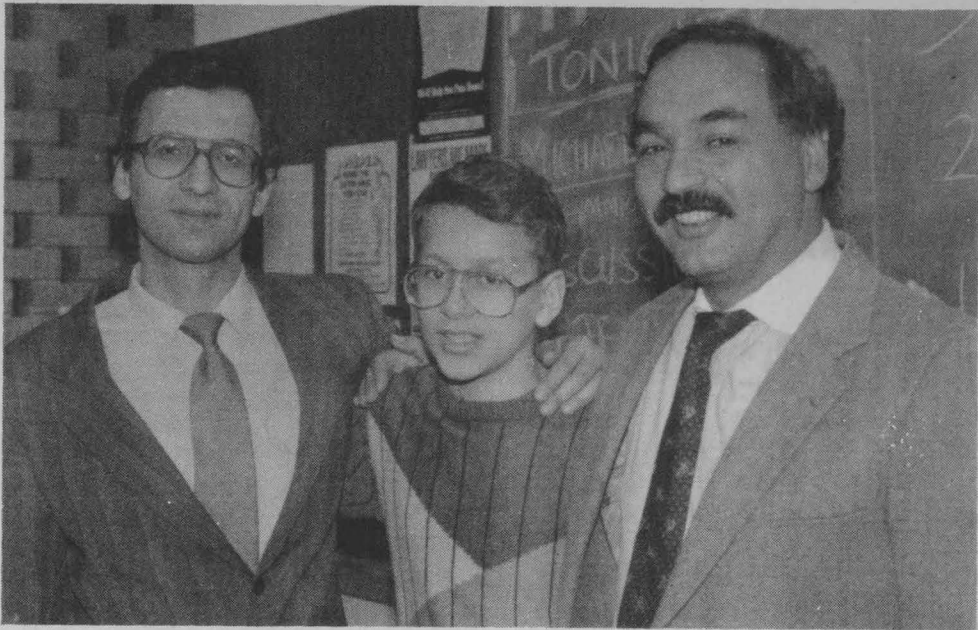
The formal criteria which a person must meet in order to gain refugee status include that the person have a well-founded fear of persecution, be outside the country of residence in which the persecution might occur, and be outside of the United States. To become an asylee, only the first two criteria must be met. Although the government's definition of "well-founded fear of persecution" is rather lenient (a person does not need to prove that the probability of persecution is greater than fifty percent), there is more than just definitional requirements at play when the U.S. government considers applications for refugee status. That extra consideration, according to Berger, is economics: the question is not simply whether a reasonable fear of persecution exists, but whether there is money to pay for the applicant's resettlement and where that money is to come from.

Because of Berger's involvement with the Gurevich case, and also because of George and Paul Gurevich's guest appearances, the discussion centered mostly on the issue of Russian immigration in the United States, although the circumstances of refugees from other countries were also mentioned.

From 1978 to mid-1989, Russia slowly gave in to pressure from the U.S. in allowing four groups of refugees to leave:

Seventh Day Adventists, Pentecostals, Armenians, and Jews. With the advent of glasnost Russia loosened its policy, granting leave to anyone from these four groups who applied. All along there was a presumption that these people were

lowed to enter the U.S. or if they were outside the quota and had to go to a third country. However, before this quota was implemented, 4500 people who left Russia believing they could emigrate to the United States were denied entry and



George Gurevich, Paul Gurevich, and Michael Berger

being persecuted such that the policy of the United States was to accept any of these refugees which Russia would allow to leave. When the number of refugee applications increased in mid-1989, a problem was created in the United States: there was not enough money available for processing all of these refugees. Many applicants were subsequently denied refugee status in the U.S. regardless that the presumption of persecution still existed. It was now a question of economics.

In answer to the increased demand, the U.S. implemented a ceiling of 50,000 Russian refugees per fiscal year; when a Seventh Day Adventist, Pentecostal, Armenian, or Jew applied to leave Russia, they were notified if they would be al-

lowed to enter the U.S. or if they were outside the quota and had to go to a third country. However, before this quota was implemented, 4500 people who left Russia believing they could emigrate to the United States were denied entry and

found themselves abandoned in Italy. With \$100 in their pockets and summer clothes in their bags, these people were stranded in Italy with no idea of how their situation would be resolved. Trying to remedy this situation, the U.S. Immigration and Naturalization Service was required to review the 4500 cases that had been denied. 4250 of these were admitted into the U.S. upon review. The majority of the remaining 250 cases was made up of people who had served as officers in the Red Army because of their background in medicine or teaching. Anyone who served in the Red Army — voluntarily or by coercion — was understood to have been in the Communist party. On the basis of this membership — perhaps regardless of the nature of the participa-

tion in the party — 250 Russian refugees were denied admission into the United States and remain in Italy to this day.

Yet, even this decision is not final. These cases are now on review by INS once again. David Gurevich is one of the 250 people who are still being denied admission into the U.S. He is currently living with eleven other people in a small room in Ladispoli, Italy. He has a heart condition and is in frail health. David Gurevich's case is up for review within the next few weeks. His service in the Red Army was linked to his background as a physics teacher; he was not a member of the Communist Party voluntarily. The family of this 69-year-old grandfather, who moved from Russia to Buffalo last year, are asking support from the Buffalo community to request the elder Gurevich's admission into this country. George Gurevich explained that he is encouraging a letter-writing campaign on his family's behalf. If you would like to reunite David Gurevich with his family, write a letter to the addresses listed below. Ask them to grant David Gurevich, file #A70231247, refugee status so that he may be permitted to come to America (and join his family in Buffalo).

The two addresses to write to are:

Karen Davis
1501 Longworth Building
Washington, D.C. 20515

Benedict J. Ferro
District Director
U.S. Immigration and Naturalization Service
Via Veneto 121
Rome., Italy

The lecture was followed by a question and answer session, in which lecture attendants were able to question both Berger and Gurevich specifics about their backgrounds and relevant experiences. Michael B. Berger might be a guest lecturer at the upcoming Human Rights week. The schedule for Human Rights Week will be posted shortly.

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EDITORIAL:

Lawyers Are Responsible For Their Own Reputations

Once again, lawyers meet another road block in the attempt to raise their respectability to a higher level than that of used car salesmen. Last week White House spokesman Marlin Fitzwater was asked if President Bush was criticizing lawyers when he called for reform in the U.S. medical malpractice system. One of the things Fitzwater said was that "... lawyers certainly deserve all the criticism they can get." He added that such feelings are held by anyone who has ever dealt with the legal establishment.

Most of us undoubtedly have come into contact with friends and relatives who subscribe to the "kill all the lawyers" theory and although we try hard not to take offense it becomes increasingly difficult to brush off crude remarks about the legal profession.

We are all in law school for different reasons; some of us have no interest in the money-making potential that the legal profession offers, some of us have no interest **but** the money-making potential that the legal profession offers, some of us simply think we would enjoy lawyering as a career and some of us have no intention of lawyering at all. No matter what our future plans, most of us do not think of ourselves as the sneaky, underhanded, cold-hearted individuals that people like Marlin Fitzwater make us out to be.

Now, there are some of us (lawyers and lawyers to be, that is) who at one time or another have subscribed to the "kill all the lawyers" theory ourselves with respect to specific individuals or categories of individuals. Usually the individuals in question are sneaky, underhanded and cold-hearted. These are the people we want to ferret out of the legal profession and we are wise to subscribe to the "kill all the lawyers" theory in this respect. But, when asked about the difference between us and them we should make it clear that they are sneaky, underhanded and cold-hearted and we are kind, up-front and caring.

The point that most needs to be made is that, as individuals, we should do as much as possible to make the "kill the lawyers" theory a thing of the past. The most effective way to do this is by our actions. By being the best lawyers we can and actively demonstrating that our clients come first, it will become more and more difficult for our friends and acquaintances to make crude remarks about our chosen profession.

Marlin Fitzwater and the other "kill the lawyers" theorists will continue to survive as long as they are provided ammunition with which they can attack. It should be our job to cut off their supply of ammunition by striving to be principled individuals as well as principled lawyers.

Maybe someday lawyers will be able to move a notch above used car salesmen in the respectability scale.

Staff Christina A. Agola, Ted Baecher, Nathaniel Charney, Maria Germani, John B. Licata, Mary Clare Kane, Gary Ketcham, Darryl MacPherson, Jim Monroe, Maria Schmitt, Sandra Williams

Contributors: Ilene Fleischmann, Andrea Sammarco, George Snyder, Erin Wolfe

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The Opinion welcomes letters to the editor but reserves the right to edit for length and libelous content. Letters longer than three typed double spaced pages will not be accepted. Please do not put anything you wish printed under our office door. All submissions should be placed in law school mailboxes 59 or 60 by the deadline date. Deadlines for the semester are posted in the mailroom and outside *The Opinion* office, 724 O'Brian.

The deadline for the next issue of *The Opinion* is Monday, March 5th at 5:00. Please put all submissions in boxes 59 or 60. Due to spring break this issue will not be published until March 21, 1990.

THE OPINION MAILBOX

Ex-BARBRI Customer Miffed

To The Editor:

FACTS:

On Sunday evening, February 11, I received a phone call from a BARBRI representative asking if I had received the latest mailing. I told her that I did receive it, but that I was no longer a BARBRI member. I explained to her that I had dropped the course last October, and was now taking the PIEPER program. No sooner had I hung up with her, when I received another phone call. This time it was from Steve Rubin, Associate Director of BARBRI

I was not greeted with a warm hello or an apology for interrupting my Sunday evening, but was rather rudely told that I owed BARBRI money. I could not imagine what Mr. Rubin was talking about until he asked me if I was in possession of the BARBRI study books. As far as I knew, I paid BARBRI \$100 last March for the books. I immediately thought BARBRI had lost my \$100 check — this being the money that Mr. Rubin said I owed. Rather than politely explaining what he was talking about, Mr. Rubin very rudely raised his voice to me and began reciting what sounded like a policy statement from some sort of form. The gist of this statement said that the \$100 was a partial payment for the books whose total value is \$495. Realizing my misunderstanding and believing that I must have overlooked this book payment policy amongst our correspondence, I told Mr. Rubin that if it was the books that he wanted back then I would return them to one of the school's representatives. And it was not until I told Mr. Rubin that I thought he was very rude

Policy in Panama Criticized

To the Editors:

The military action by the United States against Panama that began on December 20, 1989, which killed thousands of Panamanians, represents the worst of policies in the long run. The invasion violates the rules of international law on the use of force between states. It violates Article 18 of the Charter of the Organization of American States, which prohibits intervention "for any reason whatever, in the internal or external affairs of any other State." It also violates Article 24 of the Charter of the United Nations, which prohibits the use of force "against the territorial integrity or political independence of any state." The United States signed these charters and is bound to them through the treaty clause of the U.S. Constitution.

Each of the justifications put forth by the administration to justify the invasion falls far short under the standards of international law. Among the reasons cited by Secretary of State James Baker was information in the hands of the United States, which even he described as not being "solid," that General Noriega intended to initiate "commando" attacks against U.S. civilians in Panama. Such vague intentions do not provide a reason to use force against Panama under the U.N. and OAS charters.

Nor is the desire to restore democracy a ground for the use of force by one state against another under the two charters. The restoration of democracy is a job for

about the whole situation that his demeanor had changed. He did apologize for his behavior and the misunderstanding, and said that he just had a bad day.

After the apologies, Mr. Rubin proceeded to inquire about my involvement with PIEPER. He asked me if I had attended the Saturday/Sunday sessions by PIEPER and if I was pleased with the set-up, because he had "heard lots of grumbling" about it. I told him I attended the sessions and was very satisfied with the program. Our conversation finally ended when Mr. Rubin asked me if I was beyond persuasion and I reassured him most definitely.

OPINION:

Although Mr. Rubin had apologized a number of times for his rather harsh behavior towards me, I feel that he is a very obnoxious, rude and unprofessional gentleman. His attitude was most unbusinesslike. I suggest that if Mr. Rubin would like to continue in his present position he learn not to speak with clients or potential clients on his bad days because he is a total turn-off. Even if I had not been beyond persuasion as to my choice of bar review courses, Mr. Rubin would have certainly made up my mind. I would not do business or have anything to do with Mr. Rubin or the association he so grossly represents.

For those of you taking the BARBRI course, I pity you because you will not be working with people who really care if you pass the bar, but rather with people who care if you paid your bill.

Wendy A. Urtel
Third year student

the Panamanians themselves. Furthermore, there is little reason to believe that democracy in Panama has ever been a true objective of the United States. The Noriega regime is a result of a misguided U.S. foreign policy, which brought him to power, protected him from losing power as a result of democratic elections in 1984, and paid him for intelligence activities and cooperation with illegal Contra operations.

The United States has much to answer for, but military intervention only compounds the errors of the past and increases the suffering of the Panamanian people. It also says to the world that our repudiation of the rule of law, as seen by the invasion of Grenada and the contra war in Nicaragua — coupled with our unlawful rejection of World Court jurisdiction over Nicaragua's complaint — are not isolated incidents.

The issue is not whether we like or dislike a government or even whether the citizens of an oppressive government like or dislike their own government. What is at stake is the principle of the right of all countries to self-determination. The principles of non-intervention and the rule of law are recognized by most of the civilized world, and countries across the political spectrum have justly condemned the U.S. intervention.

It is up to the Panamanian people, not the barrels of U.S. guns, to decide what to do about Noriega.

The National Lawyers Guild

Harrassment Condemned; Tolerance Urged

To The Editor:

Over the last four months, pro-Palestinian stickers on a law student's locker have been repeatedly defaced and destroyed. We recognize that the debate over the Israeli-Palestinian issue is marked by sharp disagreement and bound to arouse emotions; deep national and communal commitments are at stake on both sides. We, ourselves, are committed to a secure Israel and to the vital importance of the Zionist ideal for the life of the Jewish people, but we know that a just peace between Israelis and Palestinians can never be reached by shutting out the view of the Palestinians.

Neither the personally hostile tone of the comments graffitied on the stickers, nor physical interference with this student's expression of pro-Palestinian

views constitute productive contributions to the debate or even protected political speech. We condemn these incidents as acts of harrassment.

Last year, posters that we put up around the law school to publicize Israeli cultural and political events on campus were defaced with anti-semitic slogans and destroyed. No one was ever caught nor was any official action taken. In the case of the pro-Palestinian stickers, the administration has had ample notice of the destructive acts but has taken no public action in response.

We find such hostility to be completely inconsistent with the kind of atmosphere that should be fostered at this law school and ask that the administration publicly condemn these and other similar acts.

The Jewish Law Students Association

Andrew Dice Clay Is An Ulcer In The Stomach of Life

Getting On Law Review

by Gary B. Ketchum
Staff Writer

Confusion arises as to how many students are selected from each category and how much weight is given to the writing component. The questions are usually couched as: "Do I have a realistic chance of getting on Law Review if I have mostly 'Q' grades, but I do well on my casenote?" The answer to this question, looking at the facts which are available, appears to be that those chances will be slim . . . although Jeff Williams, the Editor-in-Chief of the Buffalo Law Review, vigorously dissents from this conclusion. Unfortunately, Williams was partially unwilling

by Michael D. Gurwitz
Features Editor

Williams and Ringham stated that the 'Q*' grade is given greater weight than a 'Q' in the grades scoring component of the selection process. Last year, only one instructor in §1 gave the 'Q*' grade, while numerous instructors in §3 gave the 'Q*'. Last year seven (7) people each were selected from §1 and §2, while twenty-two (22) were selected from §3. The prior year a similarly disparate number of members were admitted from §3. Williams insists that the impact of the 'Q*' weighting is

(continued on page 8)

That a major studio would promote garbage like Andrew Dice Clay is indicative both of the corrupting power of money (Clay is reputedly the hottest comic in the land of the spree and the home of the knave), and of a rising number and acceptance of hate mongering entertainment. One of the hottest heavy metal bands, Guns 'n Roses, is fronted by a jerk named Axl Rose who decries "niggers and faggots." Public Enemy, an influential rap band, spouts anti-Semitic trash through the mouth of Professor "Jews are responsible for the majority of wickedness in the world" Griff. Skrewdriver, a skinhead band, screams songs celebrating fascism and condemning blacks, Jews, gays, immigrants and other favorite targets of the neo-nazi followers. *Ripper*, a comic book,

JAG Corps *from page 1*

I for one choose freedom. But this does not mean that we shouldn't strive for peace. We must meet head on the likes of Andrew Dice Clay and his ilk. Better still, let us boycott them into oblivion! Government can facilitate the movement against hate mongering by passing a federal bias-related violence bill. Provide harsher punishments for those who hurt others because of prejudice. Their victims are historically members of the "subject classes" which this country tries to protect (with the exception, of course, of gays — seems that in our government's eyes, their lives aren't worth spit). It is not too much to ask. The alternative is to let the hatred grow until it devours this country. Andrew Dice Clay is only the beginning.

Law student Tim Jennings expressed his anger over having missed the opportunity to interview with JAG: "I went down to the Career Development Office a number of times to request an interview, and asked to be informed if and when JAG came on campus, but the CDO policy change effectively denied me the chance to meet with them."

GRADE-GETTER PROFILES at a Glance



Commencement News

Monday & Tuesday March 5 & 6

Voting For:

Student Speaker
Faculty Speaker
Professor of the Year
Staff Person of the Year

Outside Library

Please Vote and Buy a slice
of Pizza to support
Commencement Activities

A Public Service Announcement by *The Opinion*.

Black Women

from page 4

ous during the year instead of the individual paying as she goes along and collecting at the end of the year; (3) health coverage for uninsured working women, perhaps a national health legislation to restore medicaid to the working poor that was minimized while Ronald Reagan was in office; (4) pay equity legislation which requires both gender and race analysis; and (5) an education and training program besides JTPA (Job Training Partnership Act) which as it stands is ineffective.

A tape with detailed statistics of the wage comparison, historical aspects of women in the workplace, update and use or non-use of Title VII of 1964 Act and the

proposed new Act that Ms. Rutherford addressed can be borrowed from the A.V. Department.

NOTICE TO ALL STUDENT ORGANIZATIONS

All student group budget proposals are due Wednesday, March 21 at 5:00 p.m. Please submit the budget proposals to the SBA office or to mailbox #692. Failure to submit your proposal will bar your organization from receiving any funding for the 1990-1991 fiscal year.

Coming Soon — Work A Day In The Public Interest Fund Drive

Law Review

negligible, and he simply describes the \$3 students as being more "inspired" than students in the other sections.

When asked if he thought it was unfair to give extra weight to the 'Q*' grade when many instructors refuse to recognize that grade, Williams replied that the Review is merely using the grading system which is presently in effect at this school. Williams said it is up to the school to rectify the grading disparities, not the Law Review. Williams stated that he believed a traditional grading system (A,B,C,D,F,) would make the selection process easier, more meaningful and more fair than the present 'H/Q' grading system, since it more accurately reflects the subtle variations in performance levels and is more amenable to numeric translation.

In that considerable expectations have been heightened by the way in which this competition has been presented (as a "Casenote" competition), inducing substantial sacrifices and commitments, these students are entitled to have access to vital, reliable information on which

they can reasonably base their decisions about participation. Unfortunately, this article falls short of filling that evidentiary void due to the Review's sequestering of much of this information.

Each student must decide for her/himself whether the substantial investment of time and expectations can be justified, according to one's own situation. Legal writing and research, itself, is a skill worth developing and most often is something that first years should concentrate on developing. By the same token, one can equally acquire those skills via legal summer clerkships, and one may not be able to justify foregoing an income-producing, skills-developing clerkship opportunity in order to participate in the Law Review competition which may hold low prospects for success. Most students are acutely aware of the fact that law review admission represents high-octane cannon fodder for the resumé. This is a compelling inducement for the student to "go for it" as a stakeholder.

At a minimum, the Review selection process ought not to be operated so sur-

reptitiously. Students are entitled to have this vital information openly disseminated so they can make an informed decision about participation. Furthermore, since writing is admittedly the cardinal concern of both the Review and the typical law firm, the write-on component of the selection process ought to be raised to an equal level of significance with that of the other two indicia categories.

Under the "Buffalo Model" concept of a progressive, open-minded approach to academics, we ought not to wimpishly succumb to the outside pressures of 'Blue Chip' law firms that try to extort compliance with their dictates of academic policy, as though this was a legalese mail-order sperm bank. This is particularly so where, as here, the dictates they impose are internally inconsistent, and contrary to common sense and threshold rules of logic. We, the students, are the ones who have to live with these phantasms fashioned by sophistry. If the 'Blue Chip' law firms are concerned about grades, they have the transcript which they can reference; if they are concerned

about the competency level of the Law Review members, they have the publication itself which they can reference... the most meaningful indicia there could be.

IMPORTANT DATES TO REMEMBER...

1990-1991 Executive Board Elections

All first or second year students interested in running for a position on the 1990-1991 SBA Executive Board must submit signed petitions by Friday, March 30 at noon in the SBA office. Petitions may be picked up at any time. Elections will be held Wednesday and Thursday, April 4 and 5. An Executive Board Forum will be held on Thursday, March 29 in which the candidates will debate and discuss their platforms to the public. Candidate statements that are to appear in *The Opinion* are due Monday, March 26 in boxes 59 or 60.

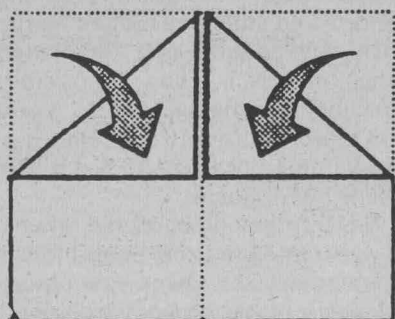


What To Do With Your Copy of The Opinion

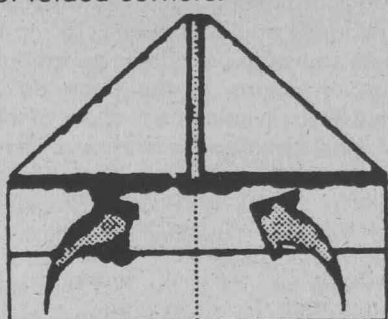
The Newspaper "Fold-A-Pope-Hat"

Start with at least two sheets of newspaper, stacked one atop the other.

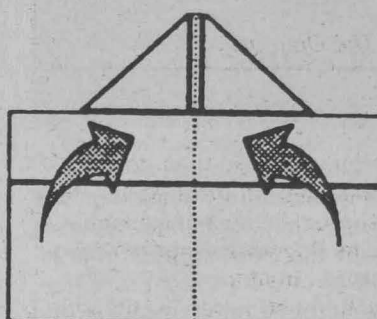
STEP 1:
Fold top corners of all four sheets to center.



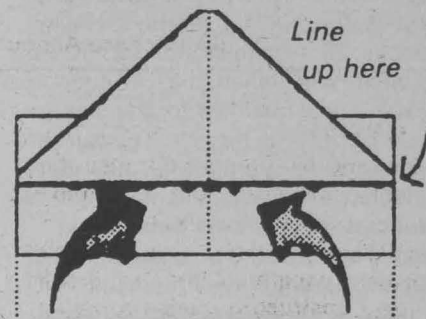
STEP 2:
Fold the top two sheets up. Bottom edges should meet edges of folded corners.



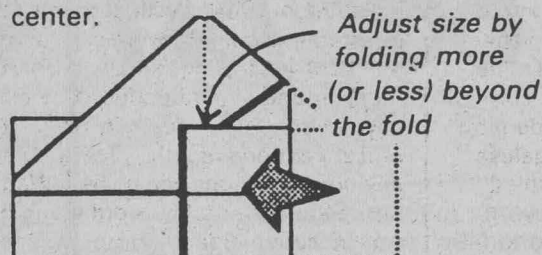
STEP 3:
Fold the same two sheets over again.



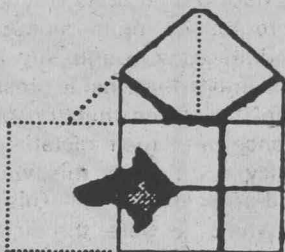
STEP 4: Flip over. Fold remaining two pages up once. Bottom edges should line up with bottom of front fold.



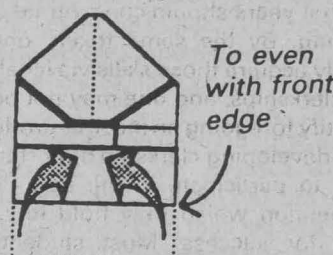
STEP 5:
Fold all thicknesses from side to approximately 1½" beyond center.



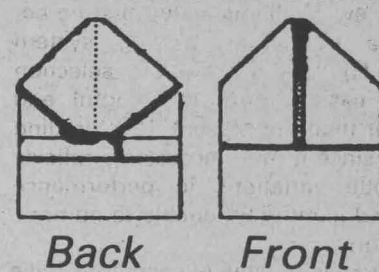
STEP 6:
Repeat with other side.



STEP 7:
Fold up bottom flap to even with the bottom edge of the front.



COMPLETED POPE HAT:



Kaplan-SMH presents:

MPRE Review

MPRE Lecture

Friday, March 2

Room 210

3 - 6 pm

Open to ALL Students at No Charge

MPRE Question Review

Tuesday, March 6

Room 212

6 - 9 pm

Open to Kaplan-SMH Students Only

For more info, call the Kaplan Center at 837-8022.

UNSUNG HEROES:

No Task Too Small For Sue Szydowski

Meet Sue Szydowski. A single mom balancing a long day in the office and parenthood. No this is not the next episode of *thirtysomething*. Sue is none other than a member of our UB family who has helped to keep our school operating smoothly.

by Sandra Williams
Staff Writer

Ms. Szydowski came to this law school from her position as Senior Stenographer at the Computer Center, responsible for all the major computer accounts. She was hired as a Senior Stenographer but acquired an in-house title from former Dean Wade Newhouse, that of Technical Assistant for Budget and Operation. Having worked as an Administrator for fifteen years when she joined the UB support staff, Sue is well qualified for the responsibilities that go with her title. Though she only works three quarter time (25% more than half time) her responsibilities extend beyond that of a full time person.

Situated somewhere in between Assistant Dean Aundra Newell and the CDO office, Ms. Szydowski's office is, in her words, one of the most frequently visited

offices on the third floor. This frequency occurs mainly because she processes the over \$40,000 budget for the Moot Court



Sue Szydowski

and Law Review funding. In addition she assists student organizations securing funding from the Dean's office. She informs them as to the correct procedure, what is a reasonable funding request, and the history of their particular line of fund-

ing. In addition to these budgetary duties, Sue also keeps track of expenditures termed O.T.P.S. (Other Than Personal Services). These services include supplies, equipment, contracting and temporary services such as student assistants and research assistants.

"Dealing with students and providing whatever information they need and making sure the law school is running smoothly in terms of these services is quite satisfying. People can come and ask a question and it is answered." And people do come and ask questions, keeping Ms. Szydowski quite busy. The faculty quite frequently ask for Sue's assistance, ranging from the flooding of a bathroom to coordinating all moves for faculties, incoming and continuous. To top it off she also has to provide an enormous amount of reports to the Dean on a monthly basis, keeping track of use of the copier, postage machine and how often the telephone is used between local, long distance and watsys by faculties. She also has to maintain supplies regardless if Central Stores is low.

Not to be left out is the fact that she also works with Forum Magazine, a publication informing others about the law

school. She manages the expenditures for photographers, billings and other expenses that go along with the publication. When asked if she finds this overwhelming, she responded that sometimes it feels like a full time job, but it seems easier to get all the work done than a full time person. "I also enjoy my job and like working with numbers, therefore doing budget is enjoyable. Furthermore, I get a great deal of satisfaction knowing that somebody can ask a question or have a problem and I can help them in some way."

Ms. Szydowski is grateful for the assistance she receives in making her work much easier. She is thankful to Arlene Rizzo, Bradley Gayton, who programs the reports and student assistant Maria Germani. And as she puts it, "no matter how small the task, it is very important to the functioning of the law school." She would like to work full time if she could, but can't at this time because she has a son that needs her at home.

Never forgetting of course, when a day at work has ended, this single mom heads home to await her seven-year-old son and take care of her home, which she takes pride in doing.

BPILP To Launch Funding Drive

On April 2, 1990 the Buffalo Public Law Interest Program (BPILP) will kick off its third annual "Work A Day in the Public Interest" pledge drive. The drive will be held during the first week of April, ending on Friday April 6. All law students and faculty are encouraged to pledge the equivalent of one day's salary to BPILP for the funding of summer internships at local Legal Services Corporations (LSC).

by Mary Clare Kane
Staff Writer

According to the National Association of Public Interest Lawyers (NAPIL), 85% of the legal needs of the poor are WITHOUT access to legal services. Simultaneously, the number of law graduates entering the public interest field has rapidly declined about 46% over the past twelve years. Local Legal Services Corporations are in great need of summer interns. Unfortunately, they cannot afford to fund these positions. Thus, only the rare law student who can afford to volunteer or the student willing to accept a summer work-study stipend (about \$800) can benefit from the LSC experience. Hence, a "no win" situation: the student loses the valuable experience, and more importantly, the poor remain without the needed legal services. This is where BPILP internships come into play. BPILP has funded as many as five LSC internships per summer.

In 1988, BPILP created a new program called Student Faculty Initiated Internships (SFII). All first and second year students who are interested in interviewing for and accepting a summer internship position with a local Legal Services Corporation are eligible for an internship award from BPILP. In the past, such organizations have included Neighborhood Legal Services (NLS), Legal Services for the Elderly (LSE), Volunteer Lawyers Project and Farmworkers Legal Services (which is based in Rochester, N.Y.). For the summer of 1991, BPILP is considering having a mix of local and national internships for the summer of 1991. In that case, students receiving an SFII would work for a Legal Services Corporation either in Western New York or elsewhere in the nation. Details regarding the number of funded internships, the stipends and application procedures for 1990 are forthcoming.

Like similar groups at other law schools, BPILP seeks funds from within the law school community by asking students and faculty to "Work a Day in the Public Interest." Similar fundraising activities have been (and still are) highly successful at other law schools in the country: UCLA

(\$36,000), University of Michigan (\$35,000), Harvard (\$41,000), University of Texas (\$11,000) and Berkeley (pledge drive grew from \$10,000 to \$90,000 in a ten year span).

U.B.'s fundraising efforts have met with similar success. The first annual pledge drive raised \$7,000, the second drive saw over a 50 per cent increase in pledges and reached a total of \$11,000. This year BPILP's goal is \$20,000. "UB students and faculty are intensely aware of the need for legal services for the poor. Our law school community has demonstrated a strong commitment to the field of public interest law in the past and we hope a successful pledge drive will be a part of that tradition. The pledge drive gives everyone a chance to do a day's *pro bono* work, which is part of being a member of the legal community. We're confident that if everyone pledges to 'work a day in the public interest', we can reach this year's goal," said BPILP member Karen Doeblin (3L) who along with BPILP member Paula Eade (3L) is coordinating the 1990 pledge drive.

"It goes without saying that this pledge drive and fundraising in general has been and is the key to the success of the SFII program. The more pledges received the more internships can be created and funded (!!). We are enthusiastic and excited about this year's goal of \$20,000," said Chris Thomas, (2L) and Graduate Assistant for Public Interest Careers, who is also assisting BPILP with the pledge drive.

Again, everyone is asked to pledge the equivalent of a day's salary. For those fortunate enough to have a lucrative summer or full-time position, this can mean a pledge of as much as \$250. First and second year students and the Faculty will be asked for pledge commitments now, and they will be billed during the summer. Graduating law students (with the Bar exam to finance) are asked to pledge a day's salary based upon their anticipated income, and they will be billed next fall.

BPILP once again continues to provide incentive for those who make a down payment of \$30 (cash or check) on their commitment during pledge drive week. Such down payment will entitle that person to a sturdy T-shirt (100% Cotton) or a ceramic coffee mug, each embossed with the BPILP "Work a Day in the Public Interest" logo. Also, a tentative SFII "kick-off" party is being planned for late March in order to energize the student body to gear up for a successful pledge week!

In the next edition of *The Opinion* former SFII recipients will share their summer experiences with the readership. Please stay advised!

THE PASSWORD:



barbri

415 Seventh Avenue, Suite 62
New York, New York 10001
212/594-3696 201/623-3363

Case Studied By Students

In its search for fresh and innovative talent the SUNYAB-Law School continues to interview candidates for its vacant staff (faculty) positions. The most recent candidate to date was Mary Anne C. Case, a litigation associate at Paul, Weiss, Rifkind, Wharton & Garrison of New York City. Ms. Case lists her interests in legal teaching as "Civil Procedure, Constitutional Law, Contracts, Comparative (EEC), History, Property, Tax, and Women."

by John B. Licata
Staff Writer

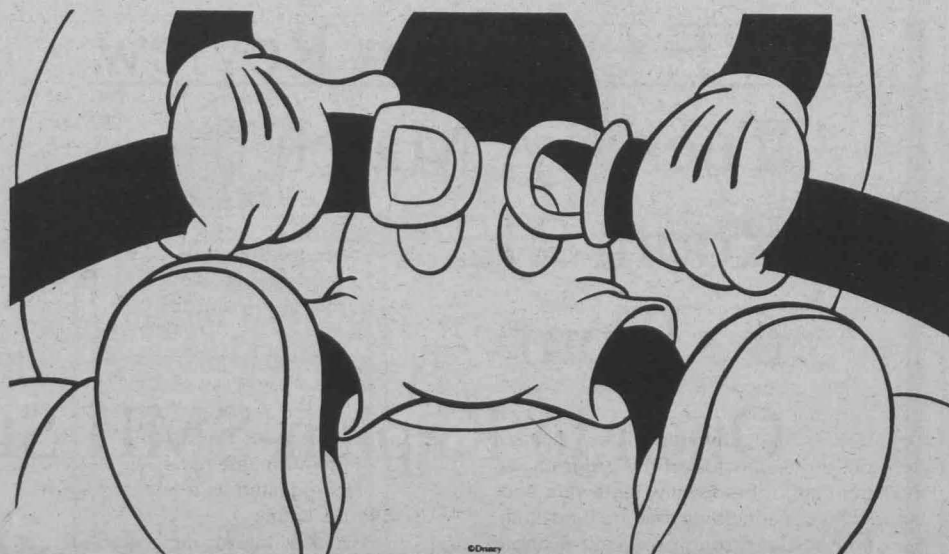
During her hour long meeting with students, Ms. Case touched upon several concerns regarding modern legal education and the preparation of the future advocates within the legal system. A principal argument she made against Socratic teaching methods centered around the role of the lawyer as an advocate for her client. "The Socratic professors are not much different from the appellate judges.

As a result advocacy isn't taught well. Students are taught to think as the judge instead of representing the individual." Ms. Case explained the role of the litigation attorney as one of "taking concepts and making them work for somebody."

Ms. Case discussed the benefits of working in groups when presenting a brief for a course. Oft times the student turned lawyer will join a large firm and the documents produced are "a corporate effort where one paragraph is yours, one is somebody else's. Groups are good to get you accustomed to how it is in the firm, unless you're the solo practitioner."

When asked about her interests in an advocacy program on campus Ms. Case showed interest in feminist issues. Her resume lists articles, one written in French and one written in German, discussing the historical aspects of the development of rights for women through the ages.

Ms. Case's resume is on file in 318 for further perusal. Contact Ms. Charmagne Henry for details.



Buckle Up For Spring Break '90

BPILP Introduces Loan Repayment Proposal

The Buffalo Public Interest Law Program recently revealed a first draft of the Loan Repayment Assistance Program (L.R.A.P.) options paper. A Task Force, composed of a group of B.P.I.L.P. members, began work on the proposal last Fall. Below is a reproduction of the options paper. B.P.I.L.P. welcomes any suggestions, comments and input from students and faculty. Please respond to O'Brian Hall, Room 509.

LOAN ASSISTANCE REPAYMENT PROGRAM

Before beginning, it must be pointed out that this is an options paper, a first draft. For the most part, it contains our recommendations made after assessing the possibilities, and thinking about what would work best for UB. We have not set out sharply defined and rigid categories defining this project. It is our sincere hope that the gritty details will be determined through consensus of the governing body. However, any suggestions or input (gritty or otherwise) would be appreciated so that we can develop the best overall program.

A. PHILOSOPHY BEHIND THE PROGRAM

SUNY is committed to responding to public needs through instruction, research and service. Now as in the past it exists for many reasons, but all of them can be subsumed under one overriding purpose — to enrich and improve the lives of the people of New York State.

"The Master Plan of the State University of New York," 1984, p. 49

The impetus to create a Loan Repayment Assistance Program emanates from a simple though instrumental observation: because many law students borrow money to attend law school and thus accrue sizeable debts, the burden of repayment influences their choice to practice law in specific fields. The legal domain most seriously affected is Public Interest Law. Public Interest Law generally addresses issues of poverty, civil rights, public rights, non-profit representation and administrative problems. The purpose of this proposal is to address the financial problems faced by students interested in pursuing a career in the public interest, and thus directly confront the loss of promising and committed students who might otherwise choose such a career.

The immediate goal of the loan assistance program is to financially aid newly graduated lawyers who choose careers in the public interest. The secondary aim of the program is to entice and, more importantly, enable law students to choose this career path by reducing the burdens caused by debt. We offer these goals so that we might contribute to the Law School's effort to train students to meet the challenge of the legal profession's expectation that all lawyers "should render public interest legal service."

Most Loan Repayment Assistance Programs provide recipients with loans with which they are expected to pay their educational debts. These loans generally account for a percentage of their educational debts, and the amount of the loan increases as the participant's tenure in a public interest job increases. These loans are eligible for partial or complete forgiveness after several years of eligible participation in the program.

The Program's funding may be derived from a variety of sources, most of which are outside of the University's financial aid system. For instance, many loan repayment programs rely solely on private grants and foundation support. Others rely on a hybrid of sources, accepting some funds from the University and the balance from outside sources such as local and state bar associations as well as private corporations and donors. We propose that our program receive this type of hybrid support as a manifestation of the cooperation that exists and should be promoted between the State University Law School and the community at large.

The fund will be managed by a board of prominent lawyers, academics, community leaders, business people and students. They will be responsible for approving substantive changes in the program to improve its operational effectiveness. They will also promote the expansion of the program by enlisting supporters locally, statewide and nationally. We anticipate that the fund shall be administered through the Law School, under the auspices of Dean Filvaroff.

Presented here is the general framework and philosophy that underpins the proposed Loan Repayment Program at SUNY at Buffalo School of Law. While the particulars

of this program and its framework are malleable, the professional imperative that informs this proposal remains firm: that the legal profession must respond seriously and innovatively to the urgent needs of the under-represented in our community.

B. ELIGIBILITY FOR PARTICIPATION

1. Employment

- In the long run, we would like to accommodate a broad range of public interest work — everything from traditional legal services positions to private public interest law firms. However, until this program and its funding sources are firmly established, our primary objective will be to provide assistance to graduates who are employed by non-profit legal services organizations as defined under section 501 (c) (3) of the Internal Revenue Code. We feel that the pressing needs that these legal services organizations fill, and the general lack of funding they annually face, make them most worthy of our support. Remaining funds will be disbursed to graduates practicing public interest law with priority given to the graduate with the lowest "take home" pay after monthly academic loans are satisfied. Preference given to public interest work as follows:
 - Government
 - Private public interest firms
 - Judicial Clerkships

At the same time we recognize that there is a broad need which must be met. Consequently, if a graduate in a lower priority group can make a case that s/he is needy and deserving, UB's program will consider these applications on an individual basis, as funding permits.

- Eligible employment is full-time work. Part-time work will be included if the employee must spend time outside work for child care, elder care or self-care. Leaves will be allowed for maternity/paternity situations as well as for care of sick relatives. The length of time permitted for the described leaves and part-time shall be two years.
- To become eligible for the loan repayment program the graduate must enter public interest employment within six months of graduation.

2. Eligible Income

- A \$25,000 cap is suggested on income to be eligible for UB's program. This is a number which is used frequently in other schools' programs. This cap need not be a maximum set for the duration of the repayment period. A mechanism or formula for computing the impact of raises and inflation will need to be developed.
- In determining income, spouse and children will be considered. If the graduate and spouse file jointly for tax purposes, then the spouse's income will be taken into consideration in determining the graduate's eligibility. The method we propose would use as the income figure either the graduate's income or 1/2 of the total income of the graduate and spouse, whichever is higher.
- A deduction from income for each child will be permitted, if the graduate has children. A \$3,500 deduction per child is what we recommend.
- Initially, geographic location of employment (e.g. urban v. rural) will not be taken into consideration. The cost involved in monitoring each relocation and determining the cost of living would put an unnecessary burden on this new program. Some geographic areas, however, do have a greater need for public interest lawyers. Once established, this program will need to create guidelines to address this concern.
- An efficient use of scarce resources will require the establishment of a minimum debt to be eligible. \$10,000 is suggested as a working figure.

3. Eligible Loans

All need-based undergraduate and graduate loans of an eligible recipient will be covered. The concept of removing debts to encourage the entrance into public interest work will not be realized with only partial coverage.

LOAN FORGIVENESS AND REPAYMENT

1. Loan Forgiveness Schedule

As described earlier, the loan forgiveness program provides loans to graduates with which they are expected to pay their academic loans. The percentage of loan actually forgiven increases as the graduate's tenure in public interest law increases. An example of how this operates is set out in the sample schedule below. This sample schedule should serve as a guideline for the Buffalo Loan Repayment Program, with room for alterations as funding dictates.

Years in LRAP	% Program Loan	% Forgiven
1	100	0
2	85	15
3	70	30
4	55	45
5	40	60
6	25	75
7	0	100

2. Program Loan Repayment

Graduates who are participating in the Loan Repayment Program will be required to repay program loans if they leave qualifying employment. The amount that must be repaid to the fund shall be calculated from the date that the participant, with proper notice, fails to confirm information for the prior year's employment. Further, a nominal rate of interest shall be charged on all funds and shall be applied only after program comes due.

D. SUGGESTED APPLICATION PROCEDURES

- Proof of employment with a qualified employer.

- Income information on a calendar year schedule.
- A list of educational debts, including the lender's name, the date of origination and when the debt repayment begins.
- A signed copy of the applicant's federal tax returns (also required for each year the participant receives program funds).
- Spouse's tax return.
- An agreement to report salary increases.
- Any additional documents deemed necessary by the program administrator.
- This information should be supplied within 60 days of participant's employment.

E. PROJECTED COSTS

Existing loan repayment programs have found that program costs are much lower than originally anticipated. In 1987 the average cost per participant in a loan repayment program was \$2,500. As the program ages, costs will be lower as participant's incomes rise, triggering a payback of some of their program loans.

Based on an estimated 15 participants at an annual cost of \$3,000, we anticipate the need to raise approximately \$45,000 to get the program off to a strong start.

F. DISCLAIMER


The Dean shall have the right to alter the program at any time, with approval of the governing body.

CONCLUSION

To establish a successful program, we need a simple and flexible structure with modest goals. Additions, deletions or comments should take this into account.

A

CROSS THE NATION



Law School News Briefs

WASHINGTON AND LEE

The Honorable Louis F. Powell Jr., former justice of the Supreme Court has announced his intention to donate his personal and professional papers to Washington and Lee University, his alma mater. Powell, who received his undergraduate and law degrees from Washington and Lee said that "... my six years on campus were among the happiest of my life." He also said that his decision to leave his papers to the University instead of the Library of Congress, was based partially on the schools plans to build an addition to house the papers and to provide facilities for appropriate research. (*W & L Law News*, vol. 19, no. 5, Jan. 25, 1990, p. 8)

HASTINGS

In the wake of the San Francisco earthquake last October, Hastings college has decided to demolish severely damaged college buildings. One of the buildings previously housed the Law School's Gen-

eral Assistance Advocacy Program (GAAP) a non-profit legal clinic for poor neighborhood residents. GAAP was run by law students and the group was forced to relocate in November when an engineering report declared the building structurally unsafe. One of the proposals for the property is to construct a joint city courthouse and law school facility. (*Hastings Law News*, vol. 23, no. 6, Feb. 5, 1990, p. 1)

NEW YORK UNIVERSITY

About 60 law and business students participated in a Community Action Day in which they assisted in distributing 300 blankets to homeless people. The Community Action Day was sponsored by Law Students For Public Service (LSPS) and was funded by student contributions. LSPS sponsored another Community Action Day earlier in the year in which they had worked with a tenants association to clean up and renovate an apartment building which had been neglected by the landlord. (*The Commentator*, vol. 25, no. 8, Jan. 25, 1990, p. 4)

BUDGET HEARINGS

The SBA budget hearings will be held Friday, April 6 at 4:00 p.m. in room 106. All student organizations must have their proposed budget requests submitted by Wednesday, March 21 at 5 p.m. in the SBA office. Finance Committee meetings will be held Wednesday and Thursday, March 28 and 29 starting at 5:30 p.m. in the SBA office. The times in which the student groups are to appear for the Finance Committee meetings and the Budget Hearings will be randomly selected and posted in the SBA showcase at least 24 hours prior to the designated days.

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